REMARKS

This Amendment is a full and timely response to the Office Action dated September 26, 2005. Claims 2-5, 8-9, and 11-23 have been cancelled without prejudice or disclaimer and claims 1, 6-7, and 10 have been amended and remain pending in this application. This amendment adds no new matter to the application. Reconsideration of the claims in light of this amendment and the following remarks is respectfully requested.

Drawings

It is noted with appreciation that the drawings filed on May 25, 2001 have been accepted by the Examiner.

Priority Claim

It is also noted with appreciation that the certified copies of the priority documents filed on May 25, 2001 have been acknowledged by the Examiner.

Information Disclosure Statement

The Information Disclosure Statement filed on March 17, 2004 has been considered by the Examiner as noted by the initialed PTO 1449 form.

Claims

Claim 21 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant submits that the rejection of claim 21 is now moot in light of the cancellation of the claim, without prejudice or disclaimer.

Claims 1, 10 and 22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,740,307 to Lane ("Lane").

As described in the background of Applicant's specification, the claimed invention relates to magnetic tape tracking control. It is known to accommodate a search reproduction mode that entails reproduction at rates that are fast relative to the normal reproduction mode. (Applicant's specification, pp. 1-2). Search reproduction may involve access to tracks corresponding to the search reproduction mode. (*Id.*, at 2). In that regard, optimum tracking and

corresponding phase locking is desirable to ensure that the appropriate information is used for reproduction execution. (*Id.*). Existing efforts to record information to accommodate such phase locking are believed inadequate because they either would consume too much space or be too expensive for many applications. (*Id.*, at 2-3).

Applicant's claimed invention provides an improved search video data reproduction scheme by recording video data, search video data and track number information in the main area, and also recording the track number information and positional information in the subcode area (subcode sector) of the tracks on the magnetic tape for which tracking control is provided. In conjunction with this, tracking phase generation includes, among other things, setting a count value corresponding to the track number information of the detected search video data.

By way of example, FIG. 3 of Applicant's specification illustrates an overview of the main and subcode sectors. The main sector is expanded in FIG. 4, the ID area of which contains the track number information (*e.g.*, track pair number) as shown in FIG. 5. The subcode sector is further illustrated in FIG. 8, which with further reference to FIG. 12 includes the positional information (*e.g.*, modulo-3 counter value S2, S1) within the TTC section.

Independent claims 1 and 10 respectively recite a magnetic tape tracking control apparatus and method that include such features.

These features are neither disclosed nor suggested by Lane. Lane discloses techniques for monitoring a trick play stream to determine whether it is MPEG compliant. In that regard, various values (*e.g.*, PCR, PTS and DTS values) are modified or generated for the trick play stream intended for recording in trick play segments of a tape, to ensure that the trick play data will produce an MPEG compliant bitstream when read back from the tape during a trick play mode of operation.

Although Lane appears to disclose that corresponding video data and search video data may be recorded onto magnetic tape, Lane offers no disclosure, or any hint or suggestion, of various features recited in the independent claims. Specifically, there is no disclosure or suggestion of recording the video data and the search video data in the main area of the track with the track information, while also recording the positional information in the subcode area with the track number information; or tracking phase generation that includes setting a count

value corresponding to the track number information of the detected search video data, all as recited in Applicant's independent claims.

Since Lane clearly fails to disclose at least the above-described elements recited in Applicant's independent claims, reconsideration and withdrawal of the rejection of the claims, as well as the dependent claims that incorporate the same features and add their own distinct features, are respectfully requested.

Claims 2, 3 and 23 have been rejected under 35 U.S.C. § 103(a) as being obvious over Lane in view of U.S. Patent No. 6,539,165 to Rijckaert ("Rijckaert").

As described in detail above, Lane is deficient in its failure to disclose or suggest various features recited in the independent claims, including recording video data, search video data and track number information in the main sector, while also recording the track number information and positional information in the subcode sector of the tracks on the magnetic tape. Moreover, Lane fails to disclose or suggest tracking phase generation that includes setting a count value corresponding to the track number information of the detected search video data.

Rijckaert does not remedy the deficiencies of Lane. Although Rijckaert discloses a trick play reproduction mode that includes a tracking control system, the technique in that reference is based upon deriving a tracking error control signal from the track and sync block numbers of the sync blocks read from the tracks during the trick play reproduction mode. (Rijckaert, Abstract). Rijckaert does disclose the existence of what is referred to as a "sub-code signal recording portion", and indicates that it "can comprise, among others, absolute and/or relative time information and a table of contents." (*Id.*, at 4:10-15). However, there is no apparent disclosure or suggestion of Applicant's claimed features of recording video data, search video data and track number information in the main sector, while also recording the track number information and positional information in the subcode sector, or tracking phase generation that includes setting a count value corresponding to the track number information of the detected search video data.

Since Lane and Rijckaert fail to disclose these various features that are recited in Applicant's independent claims, whether considered alone or in combination, Applicant submits that the Examiner has failed to produce a prima facie case of obviousness.

Also, even if the proposed combination would produce the claimed features, which is not the case, such a combination would be improper as there is no evident motivation to combine the references in the fashion offered by the Examiner. Nothing in these references suggests implementing the technique for ensuring MPEG compliance of Lane in conjunction with the technique involving derivation of a tracking error control signal from the track and sync block numbers of Rijckaert. Applicant submits that the Examiner has engaged in an attempt to reconstruct the claimed invention in hindsight, and has failed to set forth a proper basis for an obviousness rejection.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of any rejection that Applicant's claims are obvious over Lane in view of Rijckaert.

Claims 4-9 and 13-19 have been rejected under 35 U.S.C. § 103(a) as being obvious over Lane in view of U.S. Patent Application No. 2001/0041055 A1 to Kawamura et al. ("Kawamura").

Applicant submits that the rejection of the claims as being obvious over Lane in view of Kawamura is moot under 35 U.S.C. § 103(c), since both the present application and Kawamura were, at the time the invention of the present application was made, owned or subject to an obligation of assignment to Sony Corporation, Tokyo, Japan. (See also U.S. Pat. No. 6,470,141, which resulted from the Kawamura application).

Conclusion

For the foregoing reasons, reconsideration and allowance of the claims which remain in this application are solicited. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

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Respectfully submitted,

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